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12 FACEBOOK, INC.

13 **UNITED STATES DISTRICT COURT**
14 **SOUTHERN DISTRICT OF CALIFORNIA**

15
16 SAMBREEL HOLDINGS LLC; YONTOO LLC;
and THEME YOUR WORLD LLC,

17 Plaintiffs,

18 vs.

19 FACEBOOK, INC.,

20 Defendant.
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CASE NO. 12-CV-00668-CAB-KSC

**SUPPLEMENTAL DECLARATION OF
JAMES E. HUNG IN SUPPORT OF
DEFENDANT FACEBOOK, INC.'S
OPPOSITION TO PLAINTIFFS'
MOTION FOR PRELIMINARY
INJUNCTION**

Judge: Hon. Cathy Ann Bencivengo

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SUPPLEMENTAL DECLARATION OF JAMES E. HUNG

I, James E. Hung, declare as follows:

1. I am a Digital Forensic Examiner at Stroz Friedberg, LLC (“Stroz Friedberg”). I provide this supplemental declaration in support of Defendant Facebook, Inc.’s Opposition to Plaintiffs’ Motion for Preliminary Injunction. This supplemental declaration is based upon my own personal knowledge except where otherwise indicated, and if called as a witness, I could and would competently testify to the facts stated herein.
2. I have reviewed the Declaration of Matthew Adams in Support of Plaintiffs’ Reply on Preliminary Injunction in which Mr. Adams suggests that the Facebook Toolbar “modifies a user’s web browsing experience” by obscuring or pushing website content from the visible area of the browser window. (Adams Decl. ¶¶ 16-23). Mr. Adams description of the Facebook Toolbar is misleading and mischaracterizes its behavior as somehow comparable to Plaintiffs’ application platform and associated software application known as “PageRage.”
3. As I concluded in my initial declaration, Plaintiffs’ PageRage software injects code which modifies the Facebook HTML instructions received by the user’s web browser in order to change displayed content, add control menu items to Facebook’s navigations menu, and insert non-Facebook third-party advertising panes into the standard Facebook layout. (Hung Decl. ¶ 35).
4. Unlike PageRage, the Facebook Toolbar does not inject code, nor does it otherwise affect changes to the instructions received by a user’s web browser for a corresponding webpage the user visits. Instead, the Facebook Toolbar is constructed using XML User Interface Language (“XUL”), developed by Mozilla for use in its Firefox web browser. As such, the Facebook Toolbar is part of the web browser’s Graphical User Interface (“GUI”) and not the result of code modifications to any website’s code structure.
5. Figure 1 demonstrates common elements of web browser GUIs. Highlight (1) indicates the area of the web browser window commonly used for navigation controls, such as the “address bar” and “tabs” which allow a user to open multiple pages at once in the same web browser window. Highlight (2) indicates the position of “sidebar” elements of many browser interfaces.

Sidebars are often used by web browsers to give the user access to additional features, like browsing history or bookmarks. Highlight (3) indicates the browser's viewing pane, which is where webpage content is displayed pursuant to the instructions received by the web browser from the servers hosting the visited webpage.

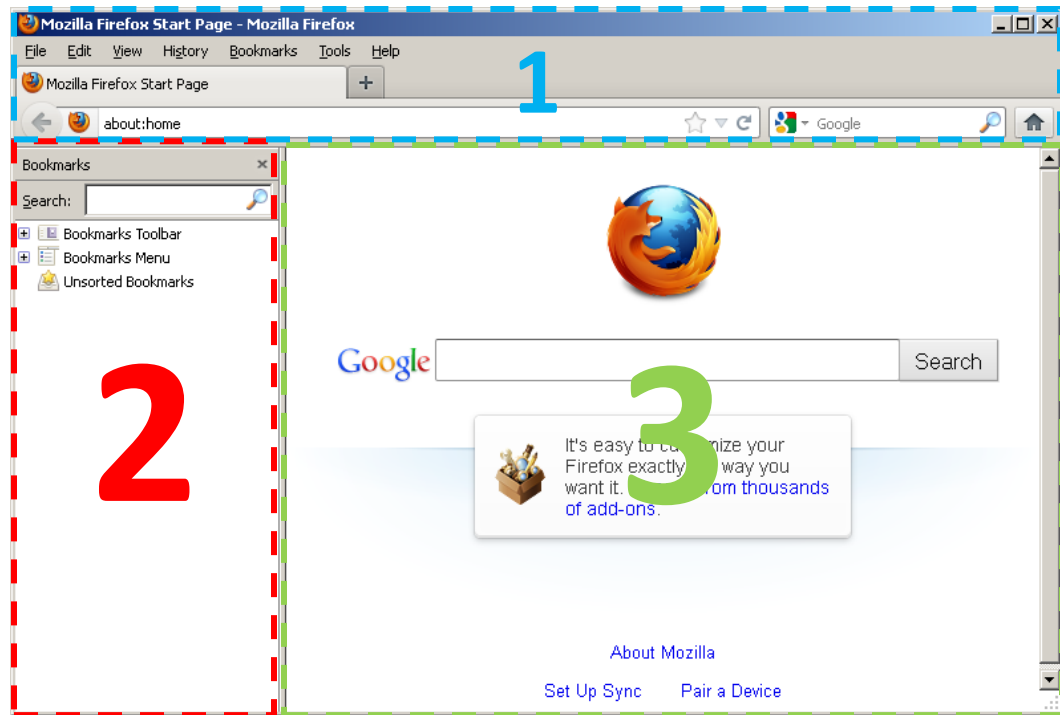


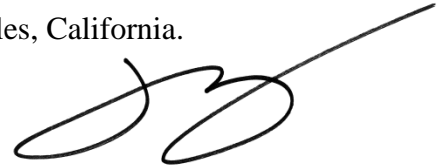
Figure 1 – Common Elements of Web Browser Graphical User Interfaces.

6. Plaintiff's PageRage software injects code which affects the content displayed in the viewing pane (Highlight 3 in Figure 1 above). The Facebook Toolbar, on the other hand, operates in an altogether separate way by adding a sidebar GUI element (similar to Highlight 2 in Figure 1 above) to the browser itself. Mozilla Firefox has two built-in sidebar GUI elements – Bookmarks and History -- that operate in the same fashion as the Facebook Sidebar. These sidebar utilities are similarly resizable to the user's preference, and as such may resize the viewing pane accordingly. The sidebar resizing behavior described by Mr. Adams is an inherent, built-in function of modern web browsers. In sum, while PageRage injects content that is displayed in the viewing pane for the underlying website (such that it appears to be "part of" the website), the Facebook Toolbar does not

1 affect the underlying website and instead appears in a completely separate browser pane – one that
2 can be toggled off by the user with ease at any time.

3 I declare under penalty of perjury under the laws of the United States that the foregoing is
4 true and correct to the best of my knowledge and belief.
5

6 Executed this 6th day of August 2012, at Los Angeles, California.

A handwritten signature in black ink, consisting of a stylized 'J' and 'H' followed by a long horizontal stroke.

9
10 James E. Hung

CERTIFICATE OF SERVICE

I hereby certify that on August 7, 2012, I electronically filed the foregoing **SUPPLEMENTAL DECLARATION OF JAMES E. HUNG IN SUPPORT OF DEFENDANT FACEBOOK, INC.'S OPPOSITION TO PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION** with the Clerk of the court using the CM/ECF system which will send notification of such filing to the e-mail addresses registered, as denoted on the Court's Electronic Mail Notice List and by overnight mail delivery to the following:

Daniel Kotchen
KOTCHEN & LOW LLP
2300 M Street NW, Suite 800
Washington, DC 20037

DATED: August 7, 2012

By: /s/ Elizabeth L. Deeley
Elizabeth L. Deeley